

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NICHOLAS WEIR,	)	
	)	
Plaintiff,	)	2:21-cv-01206-RJC-PLD
	)	
vs.	)	
	)	District Judge Robert J. Colville
UNIVERSITY OF PITTSBURGH, et al.,	)	
	)	Magistrate Judge Patricia L. Dodge
Defendants.	)	
	)	

**MEMORANDUM ORDER OF COURT**

Currently pending before the Court is Magistrate Judge Patricia L. Dodge's August 18, 2022 Report and Recommendation (ECF No. 112), which recommends that the Court grant the Motion to Dismiss (ECF No. 98) filed by Defendants the University of Pittsburgh, John Horn, Kara Bernstein, and Vice Dean Ann Thompson (collectively, "Defendants"). Defendants' Motion to Dismiss seeks dismissal with prejudice of each of the claims set forth in the Second Amended Complaint (ECF No. 94) filed by Plaintiff Nicholas Weir in this matter on the basis that Plaintiff fails to state a claim upon which relief can be granted. The Report and Recommendation further recommends that, because Plaintiff has already amended his complaint twice but still fails to allege sufficient facts to support any claim upon which relief could be granted, dismissal of his claims should be with prejudice. On September 30, 2022, Plaintiff filed timely objections (ECF No. 115) to Judge Dodge's Report and Recommendation. This matter is ripe for disposition.

Objections to a magistrate judge's disposition of a dispositive matter are subject to de novo review before the district judge. 28 U.S.C. § 636(b)(1)(B)-(C); Fed. R. Civ. P. 72(b)(3). The

reviewing district court must make a de novo determination of those portions of the magistrate judge’s report and recommendation to which objections are made. *Id.* Following de novo review, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). The United States Court of Appeals for the Third Circuit has explained that, “even absent objections to the report and recommendation, a district court should ‘afford some level of review to dispositive legal issues raised by the report,’” and has “described this level of review as ‘reasoned consideration.’” *Equal Employment Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (quoting *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987)).

Upon consideration of Judge Dodge’s Report and Recommendation, and following a de novo review of the relevant docket entries and the entire record in this matter, it is hereby ORDERED as follows:

The Court agrees with the thorough and well-reasoned analysis set forth in Judge Dodge’s Report and Recommendation (ECF No. 112), and the Court accepts and adopts Judge Dodge’s Report and Recommendation in its entirety as the opinion of the Court with respect to Defendants’ Motion to Dismiss Plaintiff’s Second Amended Complaint. Plaintiff’s objections (ECF No. 115) to the Report and Recommendation are overruled. It is hereby further ORDERED that Defendants’ Motion to Dismiss Plaintiff’s Second Amended Complaint (ECF No. 98) is granted, and Plaintiff’s Second Amended Complaint (ECF No. 94) is dismissed with prejudice. Plaintiff’s Letter Motion to Expedite (ECF No. 116) is denied as moot.

It is hereby further ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order, a notice of appeal, as provided

in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

The Clerk of Court shall mark this case closed.

BY THE COURT:

*s/Robert J. Colville* \_\_\_\_\_  
Robert J. Colville  
United States District Judge

DATED: November 21, 2022

cc/ecf: All counsel of record

Nicholas Weir  
4503 Stanton Ave  
Pittsburgh, PA 15201